

APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
September 10, 2003

MEMBERS

Nicholas F. Barba
John R. Davis
Frederick W. Harvell
Alexander T. Hamilton
Robert D. Heavner
Alfred E. Ptasznik, Jr.
Andrew A. Simasek

CALL TO ORDER

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members were present. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Maggie Costello, and Amy Parker.

REMARKS

Chair Simasek remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

APPROVAL OF MINUTES

Mr. Ptasznik moved to adopt the minutes of the August 13, 2003 regular meeting and they were adopted unanimously.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-621-03, Faith for Living Deloris Borum Ministries, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 8) of the York County Zoning Ordinance, to authorize the establishment of a transitional home providing temporary residential facilities with associated counseling and training services for homeless women and their children on a 3.35-acre parcel of land located at 124 Goodwin Neck Road (Route 173). The property is located on the south side of Goodwin Neck Road, approximately 700 feet east

of its intersection with George Washington Memorial Highway (Route 17). The property, further identified as Assessor's Parcel No. 24-171, is zoned R20 (Medium density single-family residential) and is designated for Medium-Density Residential development in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, presented a summary of the staff memorandum to the Commission dated September 2, 2003, in which the staff recommended approval.

Mr. Heavner inquired if the applicant must conform to laws regulating child daycare operations, and **Ms. Parker** indicated a separate childcare facility is not a part of this application and, therefore, the regulations would not apply.

Mr. Harvell asked how the schools might be impacted by the facility. Ms. Parker deferred the question to the applicant.

Chair Simasek opened the public hearing.

Mr. Hoover Hawkins, 100 N. Maragret Court, speaking on behalf of the applicant, offered to answer any questions. He said the school-age children would be enrolled in York County schools during the term of their residency at the proposed home.

Mr. Barba asked about the sources of funding for the facility, and Mr. Hawkins explained they have applied to a number of funding sources including federal and other grants and have solicited local contributions.

Mr. Ptasznik asked if the applicant or the church might expand into the landlocked portion of the property at some future time. **Mr. Hawkins** said the terms of the use permit and minimum acreage requirements for the transitional home would prohibit the church, but not Natasha House, from expanding into that area.

Mr. Davis complimented the applicant on the policy program presented with the application. He asked if the County would be supplied with the rules of residency and specifically wanted to know what would happen if a resident or her child were charged with a crime. **Mr. Hawkins** stated that Natasha House has rules of residency addressing that issue and **Mr. Davis** asked him to make those rules available to the County.

Hearing no others, Chair Simasek closed the public hearing.

Mr. Hamilton believed the project would be good for the community and indicated his support.

Mr. Barba voiced his support. He believed there was a real need for such a home in the County and complimented the applicants.

Mr. Ptasznik also indicated his support, adding there has been a need for this type of home in the County for some years. **Mr. Ptasznik** moved adoption of PC03-27.

PC03-27

On motion of Mr. Ptasznik, which carried 7:0, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A TRANSITIONAL HOME AT 124 GOODWIN NECK ROAD**

WHEREAS, Faith for Living Deloris Borum Ministries, Inc. has submitted Application No. UP-621-03, which requests a Special Use Permit pursuant to Section 24.1-306 (Category 1, No. 8) of the York County Zoning Ordinance, to authorize construction of a transitional home on a 3.35-acre parcel located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of September, 2003, that Application No. UP-621-03 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a transitional home subject to the following conditions:

1. This use permit shall authorize the construction of a transitional home located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Natasha House, Faith for Living Deloris Borum Ministries, Inc.," cover sheet with architectural elevation received by the Planning Division 7/17/2003, and Sheets A1 and A2, dated 9/1/2003 and received by the Planning Division 9/2/2003, prepared by Leon K. Smith, Architect.
3. Operation of the facility shall be in compliance with Zoning Ordinance section 24.1-408, "Standards for group homes (with more than 8 occupants) and transitional homes."
4. Any future subdivision of the subject parcel shall provide a lot size of at least 80,000 square feet for the resultant parcel to contain the transitional home.

5. Residential capacity shall be determined by the Virginia Uniform Statewide Building Code, but in no case shall the number of persons residing in the facility at any one time, exclusive of staff, exceed fifteen (15).
6. The facility shall be operated in accordance with the program descriptions contained in the document "Natasha House Policy Program, Faith for Living Deloris Borum Ministries, Inc.," submitted by the applicant and received by the Planning Division 7/10/2003, and which is made a part of this Resolution by reference.
7. The existing single-family dwelling on the property shall be demolished or removed from the property prior to issuance of building permits for the transitional home.
8. All outdoor lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare on to abutting properties and the road right-of-way.
9. Minimum required parking spaces shall be calculated based on one space per bedroom, two spaces for visitors, and one space for each employee on site during the largest shift.
10. A sidewalk connection shall be installed linking the proposed building to the existing sidewalk located parallel to the front property line.
11. As required by the County Fire Chief, an eighteen-foot (18') wide fire lane shall be established to service the rear of the building. The fire lane shall not be located within the side landscape yards required pursuant to Section 24.1-244 of the Zoning Ordinance.
12. A minimum 50% of trees and shrubs required for the front and side landscape yards shall be evergreen species to facilitate screening of the parking area from the road right-of-way and afford the facility screening from the abutting non-residential uses.
13. The entrance driveway shall be constructed to VDOT standards.
14. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-622-03, Colson and Colson Construction Company: Request for a Special Use Permit, pursuant to Section 24.1-306 (category 6, number 2) of the York County Zoning Ordinance, to authorize the establishment of a 118-suite senior housing-congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on the north side of Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17. The property, further identified as Assessor's Parcel No. 24-63-2, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

Mr. Tim Cross, Principal Planner, presented a summary of the staff memorandum to the Commission dated August 29, 2003, in which the staff recommended approval. He indicated the architect, Mr. Garth Brandaw, attended to speak in behalf of the applicant.

Mr. Hamilton inquired if the Fire Marshal had noted any problems with the proposal. **Mr. Cross** replied that the Fire Marshal reviewed the application and indicated no problems or flaws with the design.

Mr. Hamilton asked whether special training was recommended for Fire and Life Safety staff for safety procedures to remove residents in case of fire or other emergency. **Mr. Cross** said, because that had been a concern of the Senior Housing Study Committee, the applicant was required to submit an evacuation plan, information on building materials, and procedures in effect in case of an emergency. The applicant has done that, he said, and the Fire Marshal has not indicated any problems. **Mr. Cross** added that the facility would be required to install fire sprinklers.

Mr. Simasek asked for a definition of an “underground vault.” **Mr. Harvell** explained it was a reservoir for water in case a hydrant was frozen or inoperable.

Mr. Harvell asked if elevators are planned for the facility, and **Mr. Cross** said they are.

Mr. Harvell asked if the applicant could further develop the property. **Mr. Cross** said 118 units are the maximum number that could be constructed under the proposed use permit.

Mr. Heavner asked about buffer and additional security lighting along the proposed walkway between the proposed facility and McDonald’s. **Mr. Cross** said a 50-foot buffer is required, and he thought low-level lighting fixtures would be a good security measure for pedestrians.

Mr. Barba inquired about senior drivers crossing Fort Eustis Boulevard from their driveway and making a left turn to access Route 17. **Mr. Cross** said that should be anticipated.

Chair Simasek opened the public hearing.

Mr. Garth Brandaw, Curry Brandaw Architects, 2601-15th Street, Salem, Oregon, spoke for the applicant. Mr. Brandaw said the applicant, whose specialty is congregate care, offers a unique type of senior housing. He believed the location was excellent to serve a growing need in the County. He noted that 20 to 25 percent of their residents typically bring cars but usually find they do not need them when they find the extent of transportation provided by the facility.

Mr. Hamilton asked how many people would live in one unit. **Mr. Brandaw** said all of the units are singles except the approximately 10 percent occupied by married couples.

The Chair closed the public hearing.

Mr. Hamilton said the application represented a facility that is needed by the County and he hoped there would be more because senior citizens should be able to stay in the County.

Mr. Ptasznik believed the application adequately addressed many of the needs identified by the Senior Housing Study Committee and it is compatible with the Comprehensive Plan.

Mr. Simasek added it would be a credit to the County to have such a quality development for the first senior housing facility.

Mr. Heavner moved adoption of Resolution PC03-28. **Mr. Davis** indicated he would abstain, citing a professional conflict of interest.

PC03-28

On motion of Mr. Heavner, which carried 6:0:1 (Mr. Davis abstaining), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT OF A 118-SUITE SENIOR HOUSING
CONGREGATE CARE FACILITY ON FORT EUSTIS BOULEVARD (ROUTE 105)

WHEREAS, Colson and Colson Construction Company has submitted Application No. UP-622-03, which requests a Special Use Permit to authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of September, 2003, that Application No. UP-622-03 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Yorktown Congregate Care Facility,"

prepared by Curry Brandaw Architects and dated July 28, 2003, supplemented by the project narrative submitted by the applicant, except as modified herein.

3. Development of the property shall be subject to the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.
4. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, *Standards for Senior Housing (Housing for Older Persons)*, of the Zoning Ordinance.
5. A sidewalk or other walkway shall be constructed to provide safe and convenient pedestrian access from the congregate care facility to the developed commercial property to the east (McDonald's restaurant).
6. The maximum number of resident suites shall be 118.
7. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Fort Eustis Boulevard and adjacent properties and shall incorporate the use of full cut-off luminaires.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Carter reported on recent action by the Board of Supervisors.

Mr. Carter advised that the Hampton Roads Planning District Commission would sponsor an installment of its "Listening Sessions" tomorrow in James City County, the subject of which is the 2026 Transportation Plan. It is open to the public and comments are welcome.

Mr. Carter told the Commission about some future agenda items, including an application for Home Depot USA and the much-studied and discussed text amendments addressing landscaping, parking and signage. He recommended the Commission schedule a work session to consider the draft text amendments as well as draft amendments to the County's Chesapeake Bay regulations to bring the County Code in conformance with the Code of Virginia. He suggested public hearings for both items during the November 12 meeting.

COMISSION REPORTS AND REQUESTS

Mr. Harvell inquired about a possible addition of 40 units to build out the congregate care facility addressed under Application UP-622-03. Mr. Cross explained that wetlands reduce the usable net acreage to a size that would not allow that.

COMMITTEE REPORTS

Mr. Barba reported the town meeting of the Route 17 Corridor Revitalization Committee on August 20 was well attended and the Committee will present its findings in the form of a draft proposal to the Board at its September 16 meeting.

Mr. Simasek reported on the last meeting of the Regional Issues Committee that included a presentation by the Land Conservancy on the Jamestown Road corridor in James City County, looking at some of the same type issues the Route 17 committee has been considering.

ADJOURNMENT

Chair Simasek adjourned the meeting at 7:55 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Andrew A. Simasek, Chair

DATE: October 8, 2003